S.B.CRIMINAL MISC. BAIL APPLICATION NO.3397/2006

Date : 24.08.2006

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. H.S. Shrimali for the applicant.
Mr. Vishnu Kachhawaha, Public Prosecutor for State.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and carefully gone through the case diary and the impugned order.

In the instant case, allegation against the accused applicant who is Manager of the Bank is that on a file prepared for granting of loan to the complainant subsequently it was told to the complainant that he was not eligible to be given loan and the file in this connection prepared was not returned. However, on that loan file prepared, loan amount has been taken and notices have been issued against the complainant for recovery of the loan amount.

The contention of learned counsel is that in another case of similar type this Court granted bail to the

applicant and in this case also he should be granted bail. He submits that the a false complaint has been lodged against the applicant and some other persons have not been examined, therefore, he should be granted bail.

On the other hand, learned Public Prosecutor submits that forgery has been committed by the applicant and the matter is presently under investigation, therefore, he is not entitled to be granted bail.

Having consideration the submissions made before and taking into consideration the overall facts and circumstances of the present case, I do not find it to be a fit case to extend benefit of anticipatory bail to the applicant. Accordingly, the bail application moved by the applicant under Section 438 Cr.P.C. is rejected.

(SATYA PRAKASH PATHAK), J.

vijayant